

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS

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MASSACHUSETTS DEVELOPMENT FINANCE AGENCY,

Plaintiff

v.

ADP MARSHALL, INC., a FLUOR DANIEL COMPANY, and  
FIREMAN'S FUND INSURANCE COMPANY,

Defendants

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ADP MARSHALL, INC.,

Plaintiff-in-Counterclaim,

v.

MASSACHUSETTS DEVELOPMENT FINANCE AGENCY,

Defendant-in-Counterclaim

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ADP MARSHALL, INC.,

Third-Party Plaintiff

v.

ALLIED CONSULTING ENGINEERING SERVICES, INC., )  
ANDOVER CONTROLS CORPORATION, R&R WINDOW )  
CONTRACTORS, INC., DELTA KEYSpan, INC. n/k/a DELTA )  
KEYSPAN, LLC, MADDISON ASSOCIATES, INC., UNITED )  
STATES FIDELITY AND GUARANTY COMPANY, )  
FIDELITY AND DEPOSIT COMPANY OF MARYLAND, )  
TRAVELERS CASUALTY AND SURETY COMPANY OF )  
AMERICA, AMERICAN HOME ASSURANCE COMPANY, )  
HARTFORD ROOFING COMPANY, INC. and SPAGNOLO/ )  
GISNESS & ASSOCIATES, INC. )

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Third-Party Defendants

**INITIAL DISCLOSURE STATEMENT OF THE  
THIRD-PARTY DEFENDANT, SPAGNOLO/GISNESS &  
ASSOCIATES, INC., PURSUANT TO FED. R. CIV. P. 26(a)(1)**

Pursuant to Fed. R. Civ. P. 26(a)(1), the third-party defendant, Spagnolo/Gisness & Associates (“SGA”), makes the following initial disclosures to the plaintiff, Massachusetts Development Finance Agency and the third-party defendant, ADP Marshall, Inc. and third-party defendants, Allied Consulting Engineering Services, Inc., Andover Controls Corporation, R&R Window, Contractors, Inc., Delta Keyspan, Inc. N/K/A Delta, Keyspan, LLC, Maddison Associates, Inc., United States Fidelity and Guaranty Company, Fidelity and Deposit Company Of Maryland, National Grange Mutual Insurance Company, Travelers Casualty and Surety Company of America, American Home Assurance Company, and Hartford Roofing Company, Inc.

**A. Individuals Likely to Have Discoverable Information**

- 1 William Gisness, AIA  
Spagnolo/Gisness & Associates, Inc.  
200 High Street  
Boston, MA 02110
2. Employees of other parties who participated in the design or construction. SGA does not have access to the identity of those individuals.

**B. Description By Category and Location of All Documents, Data Compilations, and Tangible Things That are Relevant**

SGA notes that discovery and investigation of this matter is ongoing. SGA will provide documents in its project file. All of the following groups of documents are located at Donovan Hatem LLP, Two Seaport Lane, Boston, MA 02210.

- 1 Correspondence;
2. Drawings; and
3. Contract.

**C. Computation of Damages**

SGA seeks an award of its attorney's fees, costs, and any such other relief as is just and appropriate as provided by law.

**D. Existence and Contents of any Insurance Agreements**

SGA maintains a professional liability policy issued by XL Specialty Insurance Company and a copy of the declaration page of said policy is located at Donovan Hatem LLP, Two Seaport Lane, Boston, MA 02210.

Respectfully submitted,  
**SPAGNOLO CONSULTING  
ENGINEERING  
SERVICES, INC.,**  
By its attorneys,



David J. Hatem, PC  
BBO No. 225700  
Warren D. Hutchison  
BBO No. 246150  
Carly B. Goldstein  
BBO No. 654731  
DONOVAN HATEM LLP  
Two Seaport Lane  
Boston, MA 02210  
Tel: (617)406-4500

Dated: 2/18/05

CERTIFICATE OF SERVICE

I, Warren D. Hutchison, Esquire, hereby certify that on this 18<sup>th</sup> day of February, 2005, I served the attached ***Initial Disclosure of Third-Party Defendant, Spagnolo/Gisness & Associates, Inc.*** by mailing a copy thereof, postage pre-paid to:

Charles A. Plunkett, Esq.  
 Edward F. Vena, Esq.  
 Sabatino F. Leo, Esq.  
 Vena, Riley, Deptula, LLP  
 250 Summer Street  
 Boston, MA 02210

Andrew J. Tine, Esq.  
 Glenn H. Haese, Esq.  
 Richard J. Fox, Esq.  
 Haese LLC  
 70 Franklin Street, 9<sup>th</sup> Floor  
 Boston, MA 02110

John J. McNamara, Esq.  
 Eric A. Howard, Esq.  
 Domestico, Lane & McNamara, LLP  
 161 Worcester Road, Suite 302  
 Framingham, MA 01701

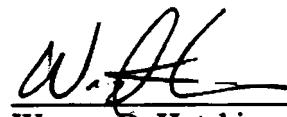
James F. Kavanaugh, III, Esq.  
 Robert R. Pierce, Esq.  
 Pierce & Mandell, PC  
 11 Beacon Street, Suite 800  
 Boston, MA 02108-3002

William E. O'Gara, Esq.  
 Stephen A. Izzi, Esq.  
 Holland and Knight, LLP  
 One Financial Plaza, Suite 1800  
 Providence, RI 02903

Eric H. Loeffler, Esq.  
 Cetrulo & Capone LLP  
 Two Seaport Lane, 10<sup>th</sup> Floor  
 Boston, MA 02210

Allen Whitestone, Esq.  
 Black, Cetkovic & Whitestone  
 200 Berkeley Street  
 Boston, MA 02116

John H. Bruno, Esq.  
 Masi & Bruno  
 124 Long Pond Road, Unit 11  
 Plymouth, MA 02360

  
 Warren D. Hutchison

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